

April 14, 2008

Ms. Martha Toomey  
Exceptional Children/Early Childhood Group  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

RE: Pilot IEP Form

Dear Ms. Toomey:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE) pilot IEP form (attached) and has the following observations.

First, SCPD commented on 10 DE Reg. 1758 in this context in June 2007 (see attached letter). DOE subsequently issued regulations (11 DE Reg. 181 - August 1, 2007) which essentially repudiated this entitlement.

Second, by Delaware statute, special education students identified under certain classifications (TMH; SMH; autism; deaf/blind; orthopedic impairment; and TBI) must be offered extended school years/summer programs. See attached Title 14 Del.C. §1703(e)(f).

Third, in the past, IEP forms contained an explicit "prompt" alerting teams that students with certain classifications were entitled to extended school years. The "prompt" is absent from more recent forms and the "pilot" form. See page 5. The prompt is actually more important today since: 1) the DOE regulations omit any reference to this entitlement; 2) more eligible students are in mainstream settings as juxtaposed to special schools (e.g. Meadowood; Leach) which were familiar with the entitlement; and 3) IEP teams may be unfamiliar with the entitlement for low incidence classifications (e.g. TBI) and newly eligible students (e.g. students with Asperger's Syndrome are now classified under Autism).

SCPD continues to strongly endorse inclusion of a prompt in the ESY section of the IEP.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding this issue.

Sincerely,

Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

cc: The Honorable Valerie Woodruff  
Ms. Susan Haberstroh  
Ms. Jean Allen  
Ms. Martha Toomey  
Ms. Paula Fontello, Esq.  
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P&I/esy 4-08